

Article - Environment

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§6–1304.

(a) A United States manufacturer, or if the manufacturer is not a United States manufacturer, the importer of record, of a children's product for which a children's product certification is required under federal law shall:

(1) Test whether the children's product is a lead-containing product by using a testing entity qualified or certified under federal law; and

(2) If the children's product tested under item (1) of this subsection is not a lead-containing product, issue a certificate that certifies that the children's product is not a lead-containing product.

(b) A person shall ensure that the certificate issued in accordance with subsection (a) of this section is transmitted with the children's product to any distributor or retailer who receives the children's product.

(c) A manufacturer shall:

(1) Maintain a copy of any documents related to lead testing and any certificate issued in accordance with subsection (a) of this section; and

(2) Provide a copy to the Department or any person on request.

(d) A retailer shall:

(1) Maintain a copy of any certificate issued in accordance with subsection (a) of this section; and

(2) Provide a copy to the Department or any person on request.

(e) (1) Except as provided in paragraph (2) of this subsection, a person may not sell or offer for sale in the State, by any means, including transactions conducted through a sales outlet, a catalog, or the Internet, a children's product for which there is no certificate issued in accordance with subsection (a) of this section.

(2) Notwithstanding any other provision of this subtitle, a certificate is not required for the sale of a used children's product at a thrift store, consignment store, yard sale, or any other secondhand point of sale.

(f) A certificate issued in accordance with subsection (a) of this section shall be:

(1) Based on a test of each children's product or on a testing protocol that is established or recognized by the Department; and

(2) On a form created or approved by the Department.

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